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condemned, but also to bring to bear on Sir William, if possible, the deterrent influence of publicity. There was, indeed, a time when the English prize law was the American prize law, but this condition had ceased to exist when Sir William Scott succeeded Sir James Marriott in the high court of admiralty.

The work of Mr. Kleen is so full that it is impossible within a brief space to subject it to analysis. He appreciates the difficulties of his task—difficulties enhanced by the very unsatisfactory state in which the series of great wars which ended with the downfall of Napoleon left the rights of neutrals. The American Civil War and its consequences contributed much to the development of the law relating to neutral duties, but did comparatively little for that of the law of neutral rights. In respect to the latter the Congress of Paris of 1856 constitutes the great landmark of the nineteenth century in the progress towards definiteness. Outside of this, the author is compelled to rely upon his legal discernment. In dealing with custom Mr. Kleen accepts as authoritative that which is recognized and approved by the great majority of states; but he does not hesitate to reject a tradition which, although it was previously accepted, has evidently ceased to be responsive to the judicial conscience of nations. In general, he endeavors to avoid the intermingling of international regulations and national legislation; for he thinks that the ancient pretension of some powers to attribute to their national decrees the importance of universal laws has, more than anything else, served as an obstacle to progress and to the codification of the law of nations.

As to some of Mr. Kleen's conclusions there will inevitably arise a difference of opinion. It is impossible for a writer on the law of neutrality to reconcile all views, since the incompatibility not infrequently proceeds from premises which are radically antagonistic. He supports his positions, however, with an abundance of learning, and with clear and temperate argument; and he has produced a work which fills a large space in the literature of the subject to which it relates.

J. B. MOORE.

*Government in Switzerland.* By JOHN MARTIN VINCENT.  
New York, The Macmillan Co., 1900.—370 pp.

This is a good book on a good subject. Every one goes to Switzerland, but few know anything of its government beyond the fact that it is a federal republic, much given to submitting legislative

measures to popular vote. Apart from its scenery, Switzerland furnishes the outside world with little matter for conversation; the Alpine Club engages much more attention than the Swiss constitution.

This little country occupies a unique position amid the great powers of Europe; it is undisturbed by dreams of ambition or desire for expansion. Members of three different nationalities live together in unity, each preserving its own tongue, without, apparently, any yearnings for Germanic, Gallic or Italian reunion. If widespread moderate prosperity, freedom from foreign complications, tranquillity at home and a peaceable life are the ideals for which nations should strive, the Swiss have been exceptionally successful in obtaining them. Results such as these are due not only to an exceptional situation, but to an exceptional population. The Swiss are free from the problems of large immigration and the introduction of foreign elements. They are a moral, industrious and thrifty folk, with a fairly good average of education. There seems every reason to expect that their present prosperity will be long continued.

Twenty-two cantons form the Swiss confederation, and of these three are subdivided, so there are in all twenty-five cantonal governments. The constitution under which they now live was adopted in 1848, and has since been modified from time to time. In Switzerland, as in the United States, the tendency, on the whole, has been to strengthen the federal government, and yet a large degree of autonomy is preserved for the cantons. In a rough way the division of power is not unlike that which exists in the United States, though there are numerous differences in detail. When we read that the entire amount paid for army pensions is a little over \$8000 a year, and that the expenses of the federal legislature do not much exceed \$50,000, it is evident that we are dealing with conditions far removed from those which exist in our country.

It is doubtful whether the workings of the Swiss constitution furnish valuable data for the use of a great nation like our own, rapidly increasing in size and confronted by social and economic problems which have no existence in Switzerland. The student will find most interest in the features of government which are novel or have no counterpart with us. The Swiss have made political experiments which might be hazardous elsewhere, but seem to work successfully in their own land. Legislation by referendum, or by the general vote of all citizens, is in extensive use. In some

of the cantons almost every measure of popular legislation, upon the request of a certain number of citizens, must be submitted to the decision of universal suffrage. In Basel Land the entire work of the legislature, at the close of each session, is submitted to a popular vote. We have thus a close approach to pure democracy, and the results are not unsatisfactory.

This system is for the most part applied in the smaller cantons, amid populations homogeneous and dwelling in restricted areas. For example, the canton of Appenzell Inner contains thirteen thousand people, dwelling in a circle about ten miles in diameter; the entire voting population does not exceed twenty-five hundred. Such a body is only about four times as large as the British Parliament. The voters are in orderly habits and in self-restraint, if not in political education, the equals of the average American legislator. It is evident that the principles of pure democracy are not put to a very severe test.

But a similar process works satisfactorily in larger bodies. When there is a referendum in the federal government, a vote has to be taken in all the cantons. On the whole, the action of the people on the questions submitted to them has been conservative. Various measures which received the support of the Socialistic party have been lost by popular vote. Laws of which the object was to guarantee labor to every citizen, to shorten the hours of toil and to provide insurance against lack of work, were rejected by the federal legislature, and upon submission to the people four-fifths of the voters ratified this action.

In another respect, the Swiss legislators have adopted a reform that with us has not gone beyond the stage of discussion. Formerly gerrymandering seems to have been almost as much a fine art in Switzerland as in America, but this evil has been remedied. Since 1890 proportional representation has been the rule, and the method of securing it is very simple. There are ten candidates to be chosen, we will assume, in a constituency of sixty thousand voters, thirty thousand of whom belong to the Liberals, twenty thousand to the Conservatives and ten thousand to the Socialists. Having such a problem to deal with, an active partisan in this country would hope so to arrange voting districts that the prevailing party could secure certainly seven and probably eight members. In Switzerland each voter casts his ballot for ten candidates, and representation is then allotted between the different parties in proportion to the vote cast. In the above case, for example, five delegates

would be Liberals, three Conservatives and two Socialists, and the candidates of the respective parties receiving the highest vote would be elected. The process is simple and easily applied, and it works satisfactorily. Whether such a system would find favor in our country is doubtful, yet it is hard to foresee the results of any changes in popular institutions.

Professor Vincent's book gives a clear and instructive statement of the nature and operations of the Swiss government; it is full of interest for any student of politics.

JAMES BRECK PERKINS.

ROCHESTER, N. Y.

*The Origin of the Republican Form of Government in the United States of America.* By OSCAR S. STRAUS. With an Introductory Essay by EMILE DE LAVELEYE. Second edition. New York and London, G. P. Putnam's Sons, 1901. — xli, 151 pp.

In the sixteen years that have elapsed since Dr. Straus first published his little book, he has apparently found no reason to doubt the accuracy of its conclusions. Accordingly, a new edition now appears, slightly revised, and accompanied by an introductory essay in the familiar vein of the genial and prolific Professor de Laveleye, since deceased. The thesis of Dr. Straus is well known. It is that the adoption of a republican form of government by the people of the United States, after the separation from Great Britain, was largely influenced, if not absolutely determined, by the example of the Hebrew commonwealth, as described in the Old Testament. In support of the contention the author sets forth with some particularity, first, the pre-Revolutionary dread on the part of the Puritans lest an American episcopacy should be established by the British government and, second, the exploitation of Old Testament history and prophecy that constituted the staple of the discourses of the Puritan ministers who supported the cause of the patriots. The facts adduced are considered to prove that ecclesiastical influences were potent in bringing on the Revolution and that, when once independence had been resolved upon, the widespread conviction that God had directly sanctioned republican government for his chosen people, and had inspired the records of that people as a guide for all Christians, rendered monarchy and aristocracy impossible in the new organization that was set up.

The antipathy toward the Church of England in the strongly Puritan, and indeed in the other, colonies is a commonplace of history; and it cannot be doubted that this played some part in the